



Express Mail No.: EV 534 877 215 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Liaw *et al.*

Confirmation No.: 2900

Serial No. 09/839,768

Group Art Unit: 2112

Filed: April 19, 2001

Examiner: Myers, Paul R.

For: *High-Frequency Bus System*

Attorney Docket No.: 060809-0080-US

RENEWED PETITION UNDER 37 CFR 1.78(A)(3)

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present Request for Continued Examination (RCE) is filed together with the following documents:

1. Applicant's Petition for Acceptance of Unintentionally Delayed Claim for Priority, filed January 12, 2005 (*Appendix A*);
2. Applicant's Response to Final Office Action, filed January 12, 2005 (*Appendix B*); and
3. U.S. Patent and Trademark Office's Decision on Petition, mailed April 2, 2005 (*Appendix C*).

Please enter the following remarks into the file of the above identified application.

Applicant's Response to final Office Action (*Appendix A*) from the U.S. Patent and Trademark Office (USPTO) dated November 12, 2004 was filed within the two month variable reply period set forth in the final rejection. Pursuant to 37 CFR 1.136(a) the time for the applicant to take further action (including the calculation of extension fees under MPEP 706.07(f)) begins to run three months from the date of the final rejection, or from the date of the advisory action, whichever runs later. In other words, if the Examiner does not mail an advisory action until after the end of the 3-month period, the shortened statutory period will expire on the date the Examiner mails the advisory action and any extension of time fee is calculated from the mailing date of the advisory action. Although Applicants have not yet received the advisory action, the PAIR system indicates that an advisory action was mailed on May 10, 2005. Accordingly, it is respectfully submitted that Applicants need only pay a

Adjustment date: 07/27/2005 AKELLEY  
05/16/2005 SHINASS1 00000043 500310 09839768  
02 FC:1251 120.00 CR  
1-PA/3543188.T

05/16/2005 SHINASS1 00000043 500310 09839768  
02 FC:1251 120.00 DA

one month extension of time, as the shortened statutory period only expires on the date the Examiner mailed the advisory action, *i.e.*, May 10, 2005.

Accordingly, it is respectfully requested that the time for response be extended for a period of one month. The fee for this extension is estimated to be \$110.00. Please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 060809-0080-US).

#### **REMARKS**

On January 12, 2005 Applicants filed a Petition for Acceptance of Unintentionally Delayed Claim for Priority (*Appendix A*) together with a Response to Final Office Action (*Appendix A*). A Decision on Petition (*Appendix C*) was mailed to Applicants on April 7, 2005. The Decision dismissed the petition by stating:

The petition complies with items (1) through (3) above. however, the examiner has indicated that the proposed amendment would not be entered because the "entry of priority would require a new ground of rejection since it would remove art applied on grounds of rejection as prior art." Therefore, since the amendment does not *prima facie* place the application in condition for allowance for the reasons indicated by the examiner, petitioner must now submit a Notice of Appeal, a request for continued examination (RCE) under the provisions of 37 CFR 1.114, or file a continuing application pursuant to the provisions of 37 CFR 1.53(b).

(Emphasis added)

In other words, the Office of Petitions acknowledges that all of the required items necessary to comply with the Petition were present, but that the Petition was dismissed as an allowance of the Petition would effectively remove the Examiner's primary reference as prior art, thereby necessitating a restart of the examination.

Applicants respectfully submit that the Petition was incorrectly dismissed. Rather, the Petition should have been allowed (as the Petition complied with all requirements), and returned to the Examiner. The Examiner's Advisory Action (which we have not yet seen) may then advise the Applicant that the amendment cannot be entered as "entry of priority would require a new ground of rejection since it would remove art applied on grounds of rejection as prior art."


In any event, Applicants hereby file an RCE application as suggested by the Lead Petitions Examiner, and request reconsideration of the dismissal of the Petition.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136,

authorization is given to charge any necessary fees to our Deposit Account No. 50-0310  
(order No. 060809-0080-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: May 11, 2005

  
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Dion M. Bregman (Reg. No.) 45,645  
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